

HERRIMAN, UTAH
ORDINANCE NO. 2025-24

**AMENDING TITLE 10 OF HERRIMAN CITY CODE TO REDUCE SETBACKS OF
ACCESSORY STRUCTURES ADJACENT TO OPEN SPACE AND EXPAND
ENFORCEMENT REMEDIES TO INCLUDE BUILDING HEIGHT DEVIATIONS**

WHEREAS, the City of Herriman, pursuant to Utah State Code, may adopt an ordinance to establish land development regulations (“Zoning”), which includes the adoption or amendment of Zoning text or map; and

WHEREAS, pursuant to Utah State Code, the Planning Commission (the “Commission”) shall prepare and recommend any Zoning text amendments to the City Council (the “Council”); and

WHEREAS, pursuant to the City of Herriman Land Development Code, the Commission shall hold a public hearing and provide reasonable notice at least ten (10) days prior to the said public hearing to recommend any Zoning text amendments to the Council; and

WHEREAS, a notice of a Planning Commission public hearing on a Zoning text amendment was posted in three (3) public locations and mailed to affected entities on May 2, 2025, for a meeting to be held on May 21, 2025, at 7:00 p.m.; and

WHEREAS, the Commission voted 5-0 to recommend approval of the Zoning text amendment in a public meeting held on May 21, 2025, at 7:00 p.m. in the City Council Chamber; and

WHEREAS, pursuant to Herriman City Code, it is the responsibility of the Council to consider the Zoning text amendment and the Commission’s recommendation in a public meeting; and

WHEREAS, a City Council public meeting was held on October 22, 2025, at 7:00 p.m. to discuss the Zoning text amendment; and

WHEREAS, the Council finds that it is in the best interest of the citizens of Herriman City to adopt the Zoning text amendment, which was recommended by the Planning Commission and documented in City File number Z2025-040;

NOW, THEREFORE, be it ordained by the Herriman City Council for approval to amend the Herriman City Land Development Code, Title 10, as described in Exhibit “A”.

This Ordinance assigned Ordinance No. 2025-24, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City Recorder.

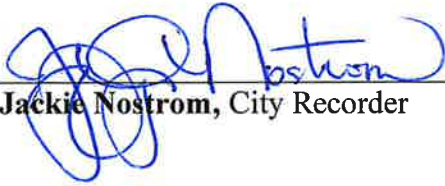
PASSED AND APPROVED this 22nd day of October 2025.

HERRIMAN CITY



Mayor Lorin Palmer

ATTEST:



Jackie Nostrom, City Recorder



Herriman City

ORDINANCE NUMBER: 2025-24

SHORT TITLE: ORDINANCE AMENDING CHAPTER 10-34 OF HERRIMAN CITY CODE TO REDUCE THE MINIMUM SETBACK OR YARD REQUIREMENTS FOR AN ACCESSORY STRUCTURE WHEN LOCATED WITHIN A REAR YARD AND EXPAND ENFORCEMENT REMEDIES IN CHAPTER 10-7 OF THE HERRIMAN CITY CODE TO INCLUDE BUILDING HEIGHT DEVIATIONS NO GREATER THAN 10% WHEN SUBSTANTIAL CONSTRUCTION HAS BEEN UNDERTAKEN IN GOOD FAITH, SUBJECT TO CITY APPROVAL. (CITY FILE Z2025-040)

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Terrah Anderson			X		
Jared Henderson		X	X		
Teddy Hodges				X	
Sherrie Ohrn	X		X		
	TOTALS		4	1	

This ordinance was passed by the City Council of Herriman City, Utah on the 22nd day of October 2025, on a roll call vote as described above.

Exhibit "A"

The following text comprises excerpts from various sections of the Herriman City Code, providing context for the Ordinance. Only the text marked by an underline or strike-through shall be amended by the codifier.

Herriman City Code

Title 10 Land Development Code

10-7 Enforcement

10-7-7: Remedies

H. Height and Setback Deviation: When an unintended error has been made in building height or determining the location of a required setback and substantial construction subsequently has been undertaken in good faith, the Community Development Director may approve a deviation from the required building height or setback so long as the deviation is no greater than ten percent of the required building height or setback and the Director finds:

1. Strict application of the building height or setback requirement would be an undue hardship;
2. The modification will not create a substantial detriment to adjacent property; and
3. Will not pose a danger to public health or safety.

CHAPTER 10-34 ACCESSORY BUILDINGS AND STRUCTURES

10-34-1: Purpose

10-34-2: General Requirements

10-34-3: Location of Accessory Buildings and Structures

10-34-4: Architectural Standards

10-34-5: Standards Unique to Building and Structures in Agricultural Zones

10-34-6: Special Exceptions

10-34-1: Purpose

The purpose of this chapter is to establish uniform regulations for accessory buildings and structures within the city. These requirements are intended to ensure that accessory buildings and structures are compatible with the character of the neighborhood and do not unduly disturb or impact adjacent property owners, while ~~at the same time~~ also allowing residents flexibility to ~~make use of their property to accommodate~~ for personal hobbies and outdoor and recreational pursuits.

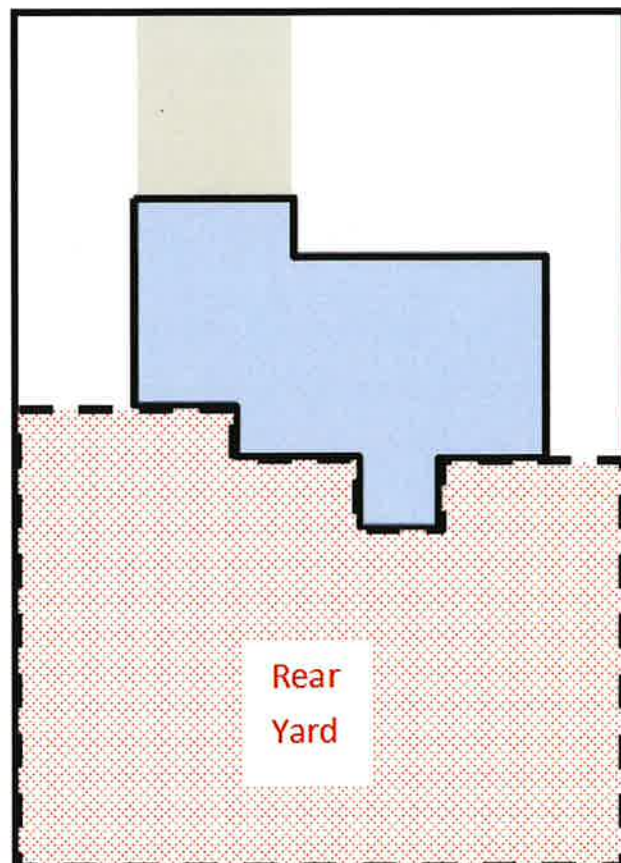
10-34-2: General Requirements

In addition to the use limitations and other regulations for the zoning district in which the accessory building or structure is proposed to be located, no accessory building or structure shall be allowed unless it complies with the following general standards:

- A. All accessory buildings or structures are permitted in all ~~zones~~ zoning districts, provided they are:
 1. Incidental and subordinate to the principal use and/or structure on the property, and
 2. Compliant with the provisions of this chapter and the zone wherein they are located.
- B. An accessory building or structure shall be under the same ownership or control as the principal structure ~~and/or use on the property.~~
- C. Except for agricultural zones, no accessory building or structure shall be established or constructed before the main dwelling or structure is under construction. Said accessory structure

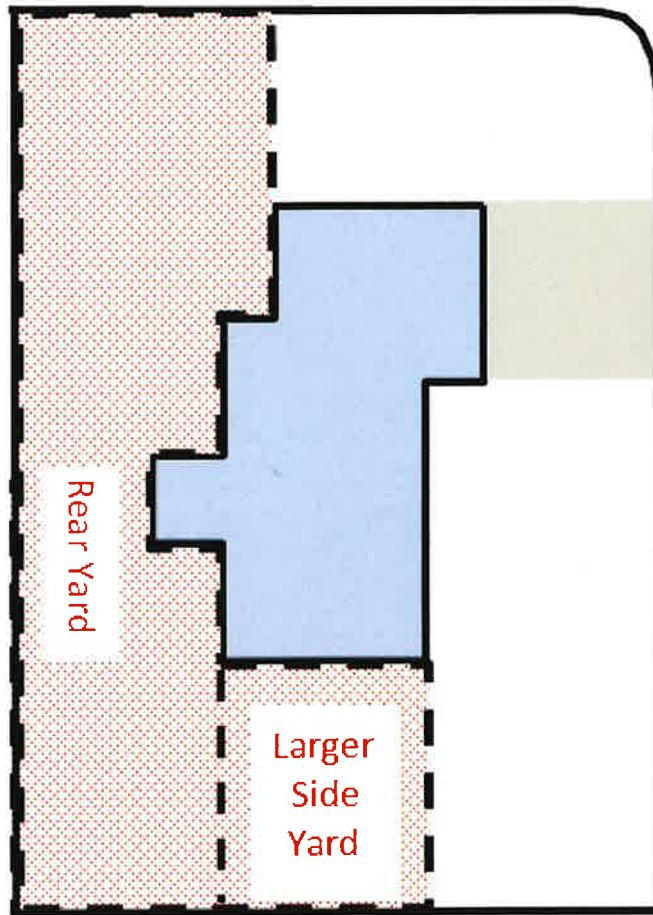
shall not be used prior to the issuance of a certificate of occupancy for the main dwelling or structure.

- D. No accessory building or structure shall include a residential dwelling unit nor may an accessory building or structure be rented, sold, or otherwise used as a separate living space, except as may be provided elsewhere in this Title,
- E. Accessory buildings and structures shall not be used for a home occupation except as provided in Section 10-22-6 of this Title.
- F. All accessory buildings and structures shall comply with any and all applicable standards and requirements of the International Building and Fire Codes.
- G. Recreational play structures less than 16 feet in height are exempt from all general restrictions of this chapter, except they shall comply with required setbacks as other accessory structures.
- H. Open-roofed structures (pergola, trellis, arbors, etc.), when lacking a solid roof and open on all sides, shall still be setback a minimum of three (3) feet from side and rear property lines. Open on all sides means that no solid wall is included in the structure. Lattice work that is ~~fifty (50%)~~ 50 percent transparent is not considered solid, nor are walls constructed to support plant material.
- I. Yard measurement to determine the maximum size for an accessory building/ structure.
 - 1. Rear yard measurement:
 - a. Rear yard measurement shall begin at a point on the property line parallel to the rear wall plane of the building at the most adjacent rear corner of the primary building, and follow the rear roofline of the building excluding any feature attached to the primary building, such as covered patios, bump outs, or other projections connected to the primary structure.
 - b. Extends the full width of the lot.



2. Side yard measurement:

- a. Only applicable under a Special Exception for corner lots
- b. Side yard measurement shall begin at the most rear corner of the primary building closest to the side property line, then along the side of the building following the wall of the building to the front yard setback line for the property in the given zone, and then parallel to the front plane of the building to the side property line, then following the side property line to the rear yard.



10-34-3: Location of Accessory Buildings and Structures

- A. For setback purposes, measurements shall be taken from the foundation of the accessory structure to the property line or the foundation of the main dwelling or other building. Roof eaves and roof overhangs of one (1) foot or less are not included in the required setback.
- B. Unless placed on the ground on movable skids, accessory buildings and structures less than 200 square feet may not encroach onto any public utility or other easement. However, as the sole responsibility of the property owner, construction may occur within said easement if permission is granted from the utility companies and any other entity holding rights to public utility or other easements on the property.
- C. Dripline. In no case shall the roof of any building extend over or toward an adjacent property in a manner that will direct water from said roof onto an adjacent property, regardless of permitted setbacks.

10-34-4: Architectural Standards

- A. Except for accessory buildings and structures in Agricultural Zones that are used for agricultural purposes, for any accessory structure 200 square feet or larger in size, all facades facing the street shall either match the main finish materials of the ~~principle~~ principal structure, including colors, and roof lines, or be finished with one or more of the following materials:
 - 1. Stucco, cementitious fiber board siding, brick, cedar shake shingles, or stone or synthetic/cultured stone.
 - 2. Non-street-facing sides of the accessory building shall be finished with either the same materials as listed above, or prefinished and painted metal siding.
 - 3. Roofing shall be made of materials designed for such application and shall match the material and/or color of the main structure on the property, including: composition asphalt/fiberglass shingles, wood shakes, slate, tile, or similar appearing materials, standing seam metal roof systems, and metal shingles. Galvanized metal surfaces, reflective surfaces, or reuse of materials that are not originally designed as an exterior wall or roof finish material are not permitted.
- B. Prohibited exterior materials for all accessory buildings and structures: Exposed plywood or particle board, or similar unfinished materials, and non-rigid materials (i.e., canvas, coated canvas, and similar).
- C. Accessory structure openings, such as a minimum of one windows, ~~or~~ doors, or skylight, or other architectural opening feature, shall be required on all elevations visible from the street.
- D. Accessory buildings and structures shall be maintained in such a manner as to not detract from the existing neighborhood. Setback areas between accessory structures and property lines shall be maintained in a weed- and debris-free condition.

10-34-5: Standards Unique To Building And Structures In Agricultural Zones

- A. Accessory buildings and structures used for agricultural purposes must be designed such that the primary function of the structure is the keeping of farm animals, and the storage of feed, farm equipment, etc., for the lot on which the building or structure is constructed. Floor plans must be provided to show that more than ~~sixty (60%)~~ 60 percent of the building will be for agricultural purposes related to the property on which the structure is located.
- B. Agricultural structures with animals shall not be located within forty (40) feet of any residential dwelling. Chicken coops shall not be placed closer than 15' to the home on which the coop is located and no closer than 25' from a home on an adjacent lot.
- C. Agricultural structures may utilize such exterior building materials that are appropriate to the use.
 - 1. Accessory structures which qualify as agricultural structures, as per 10-34-5(A), are not subject to architectural regulations in this chapter; however, all roofing shall be non-reflective.
 - 2. Greenhouses are not required to match the building materials of the primary structure.

CHART 10-34 ACCESSORY BULIDING AND STRUCTURE DEVELOPMENT STANDARDS

ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS			
	ACCESSORY BUILDING SIZE		
	SMALL	MEDIUM	LARGE
	<=200 SF	201 - 400 SF	401 SF +
SETBACKS			
Distance From Primary Structure	0'	5'	
In Rear Yard - From Side and Rear Property Line (Interior, NOT adjacent to street)	1' Min	3' Min if height is <= 16' See "Height" table below for buildings taller than 16'	
Side Yard Adjacent to Street	1' Min if height <= 8' If height > 8' match primary building setback	Match required primary building setback	
From Any Building > 200 SF on Adjacent Lot	2' if height < 8'; 4' if height > 8'	6'	
From Accessory Building on Same Lot	0'	6'	
Front Yard	5' Behind Front Yard Setback for Primary Structure, and 5' Behind Front of Primary Structure		
Inside In Side Yard - Between Front and Rear Yards	Same as Required for Primary Structure; When structure is in rear yard, see above, 'In Rear Yard'		
HEIGHT			
0 - 10,000 SF Lot	16'		
10,001 - 21,780 SF Lot	16'	25 feet or Height of Primary Structure, Whichever is Less. For every <u>1 foot of building height</u> above 16 feet, <u>1 additional foot</u> in interior side and rear yard setback <u>is required, except when a setback is adjacent to dedicated public or quasi-public open space</u>	25 feet or Height of Primary Structure, Whichever is Less. For every <u>1 foot of building height</u> above 16 feet, <u>1 additional foot</u> in interior side and rear yard setback <u>is required, except when a setback is adjacent to dedicated public or quasi-public open space</u>
21,781 SF Lot or more	16'		30 feet; For every <u>1 foot of building height</u> above 20 feet, <u>1 additional foot</u> in interior side and rear yard setback <u>is required, except when a setback is adjacent to dedicated public or quasi-public open space</u>
SIZE: (MAX TOTAL LOT COVERAGE FOR ALL STRUCTURES)			
0 - 6,000 SF Lot	15% of rear yard or 75% of footprint of home, whichever is less		
6,001 - 11,000 SF Lot	25% of rear yard or 75% of footprint of home, whichever is less		
11,001 - 21,780 SF Lot	25% of rear yard or 80% of footprint of home, whichever is less		
21,781 - 43,560 SF Lot	40% of rear yard or 125% of footprint of home, whichever is less		
> 43,560 SF Lot	40% of side and rear yards		

10-34-6: Special Exceptions

- A. In order to allow flexibility for specific unique circumstances addressed in Section B below, an application for a special exception to specific requirements of this chapter may be approved. In determining the appropriateness and potential impacts of a special exception, additional mitigating requirements, conditions, and limitations may be imposed to prevent or minimize adverse effects on adjoining properties. These mitigating conditions may include, but are not limited to, the use, construction, operation, appearance, location, screening, and landscaping, as may be required as part of a special exception.
- B. When allowed:
1. Application for a special exception to the provisions required for accessory structures as established by this chapter (10-34) shall only be allowed under the following circumstances:
 - a. The applicant's lot has unique characteristics which may include:
 - 1) Irregular lot shape (see definitions)
 - 2) Topography which creates a unique situation
 - 3) Flexibility in determining side/rear/front yards.
 - 4) Lot adjacency to other commercial/industrial/ open space land uses on at least two (2) sides of the property.
 2. When the use of the building is strictly for Agricultural purposes and the applicant can demonstrate the following:
 - a. Absolute need for a higher, or larger building to accommodate equipment used specific to the property for agriculture.
 3. Additional height of an accessory structure which is not intended for agricultural use shall be allowed for architectural purposes only.
 4. In cases of required parking, if a rear yard does not allow for a two-car garage that accommodates the requirement for single-family parking, a structure no larger than 520 square feet shall be allowed for said use.
 5. Corner lots as follows:
 - a. If the rear yard is less than twenty-five (25) feet.
 - b. For corner lots $\geq 10,000$ square feet:
 - 1) If the existing rear yard setback is more than twenty (20) feet shallower than the nearest adjacent interior lot with the same orientation, a special exception can be considered.
 - c. When a special exception for a corner lot is permitted, the applicant may include the rear and larger side yard in the calculation to determine the maximum size for an accessory structure. No additional exemptions are permitted with this exception for architectural (except agricultural), setback requirements.
 - d. Special exceptions for corner lots shall be approved by the Planning Director. The Planning Director may request Planning Commission consideration when extenuating conditions exist.
- C. The Planning Commission shall approve a special exception to the specific requirements of this chapter, except as provided in this chapter, with conditions and limitations as may be

appropriate. Adjoining property owners shall receive notice of said hearing for a special exception no less than ten (10) days prior to the public hearing.

- D. The following shall be considered by the Planning Commission in determining the appropriateness of a special exception:
1. The special exception does not materially impact the goals and policies of the City's General Plan.
 2. The special exception is not in conflict with adopted restrictive covenants governing the property.
 3. The proposed exception for the structure is in keeping with the development block pattern of the area.
 4. The special exception will not have an adverse effect upon public health, safety, or general welfare of the community.
 5. Additional height and size greater than the maximum allowed can be mitigated by:
 - a. Requiring additional setback from the property line or adjacent buildings
 - b. Requiring all sides of the accessory structure to match the home or comply with 10-34-4(A)(1).
 - c. Requiring additional landscaping buffers and plantings to screen the building from adjacent properties.
 - d. Impacts to adjoining properties can be mitigated by adjusting architectural elements, i.e., reducing or eliminating doors, windows, etc. that are visible from adjoining properties and streets.
 6. The accessory structure does not violate the sight visibility triangle on corner lots.
 7. Other development requirements could be required that will further mitigate and are directly associated with the impact of the special exception.
 8. In cases where an exception is requested due to an irregularly shaped lot, the Commission shall consider the following:
 - a. Whether the irregularity of the lot shape restricts, or limits the placement of an accessory structure compared to a regular lot of similar size.
 - b. It shall be the burden of the applicant to clearly demonstrate the hardship due to the shape of the lot.
 - c. The requested exception cannot be considered to exceed the size, or height of any accessory structure except as provided in this chapter.
 - d. Whether the impact of the exception will place an undue impact on adjacent properties which would not be typical if the lot was a regular shape.